

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA BARNETT,

Defendant.

8:18CR205

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 17). The Court has carefully reviewed the record in this case and finds as follows:

1. Defendant Joshua Barnett ("Barnett") has entered into a Plea Agreement (Filing No. 16), under which he has pled guilty to Count I and admitted the Forfeiture Allegation of the Information. Count I charged Barnett with being a prohibited person in possession of firearms, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2). The Forfeiture Allegation sought the forfeiture, pursuant to 21 U.S.C. § 853, of the following firearms, ammunition, and accessories ("forfeited firearms"):

- (1) Ruger22/45 Mark IV Pistol CAL:22 SN:500105027
- (2) F.N. (FN Herstal) BDA9 Pistol CAL:9 SN:46807
- (3) DPMS Inc. (Defense Procurement Mfg. Services) A15 Rifle CAL:556 SN:FFA001
- (4) TC4 Tagonist-9 Silencer SN:1
- (5) Tagonist Custom Gun Works, TC-9 Machinegun CAL:9 SN:00001
- (6) Tagonist Custom Gun Works, TC4 TC-15 Rifle/Shotgun CAL:223 SN:00001
- (7) Tagonist Custom Gun Works, TC4 TC-9 Rifle/Shotgun CAL:9 SN:00003
- (8) Tagonist Custom Gun Works, TC4 TC-15 Rifle/Shotgun CAL:None SN:00029
- (9) Tagonist Custom Gun Works, TC4 TC-15 Receiver/Frame CAL:223 SN:00074
- (10) Tagonist Custom Gun Works, TC4 TC-15 Machinegun CAL:223 SN:00048
- (11) OS5 BPR4 Silencer CAL:7.62 SN:1602002

- (12) TC4 Tagonist-9 Silencer CAL:9 SN:2
- (13) TBC Ultra 7 Silencer CAL:30 SN:730053
- (14) TBC Ultra 9 Silencer CAL:30 SN:740235
- (15) Surefire, X19 Socom556Min Silencer CAL:556 SN:A36N01286
- (16) Silencer Co., V85 Hybrid Silencer CAL:46 SN:HYBRID13573
- (17) Silencer Co., V85 Hybrid Silencer CAL:46 SN:HYBRID25937
- (18) Silencer Co., V85 Hybrid Silencer CAL:46 SN:HYBRID25940
- (19) Silencer Co., V85 MAXIM9S Silencer CAL:9 SN:MX94325
- (20) Silencer Co., V85 Octane45HD Silencer CAL:45 SN:OCT451245
- (21) Silencer Co., V85 Octane45HD Silencer CAL:45 SN:OCT456746
- (22) Silencer Co., V85 OMEGA Silencer CAL:300 SN:OMG32130
- (23) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG32151
- (24) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG32152
- (25) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG34856
- (26) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG37155
- (27) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG37159
- (28) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG37242
- (29) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG41757
- (30) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG42062
- (31) Silencer Co., V85 Omega Silencer CAL:300 SN:OMG42063
- (32) Silencer Co., V85 Omega Silencer CAL:9 SN:OMG9K8323
- (33) Silencer Co., V85 Omega Silencer CAL:9 SN:OMG9K8577
- (34) Silencer Co., V85 40 Osprey Silencer CAL:40 SN:OSP40087S
- (35) Silencer Co., V85 45 Osprey Silencer CAL:45 SN:OSP4520792
- (36) Silencer Co., V85 45 Osprey Silencer CAL:45 SN:OSP4520793
- (37) Silencer Co., V85 Osprey Silencer CAL:22 SN:OSPM7790
- (38) Silencer Co., V85 45 Osprey Silencer CAL:45 SN:OSP4533158
- (39) Silencer Co., V85 Osprey Silencer CAL:22 SN:OSPM7949
- (40) Gemtech, Q84 Trek Silencer CAL:556 SN:SI368668
- (41) Gemtech, Q84 G522 Silencer CAL:22 SN:SI369026
- (42) Gemtech, Q84 Blackside Silencer CAL:45 SN:SI584281

- (43) Gemtech, Q84 Blackside Silencer CAL:45 SN:S1584291
- (44) Gemtech, Q84 Tracker Silencer CAL:30 SN: S1699228
- (45) Gemtech, Q84 Tracker Silencer CAL:30 SN:S1699229
- (46) Gemtech, Q84 Tracker Silencer CAL:30 SN:S1699231
- (47) Gemtech, Q84 Tracker Silencer CAL:30 SN:Sl699236
- (48) Gemtech, Q84 Tracker Silencer CAL:30 SN:S1699243
- (49) Silencer Co., V85 SALVO 12 Silencer CAL:12 SN:SAL121700
- (50) Silencer Co., V85 Saker 556ASR Silencer CAL:556 SN:SKA5560987
- (51) Silencer Co., V85 Saker 556ASR Silencer CAL:556 SN:SKA556K1161
- (52) Silencer Co., V85 Saker 556ASR Silencer CAL:556 SN:SKA556K1162
- (53) Silencer Co., V85 Saker 556ASR Silencer CAL:556 SN:SKA556K1163
- (54) Dead Air Silencer, BPF Sandman-L Silencer CAL:762 SN:SML04190
- (55) Spike's Tactical LLC ST15 Crusader Receiver/Frame CAL:Multi SN:DV033419
- (56) Silencer Co., V85 SPECTREII Silencer CAL:22 SN:SPCT211513
- (57) Silencer Co., V85 SPECTREII Silencer CAL:22 SN:SPCT217425
- (58) Advanced Armament, AAP Tirant Silencer CAL:45 SN:TR4518769
- (59) Gemtech, Q84 Multimount Silencer CAL:9 SN:S1364901
- (60) Gemtech, Q84 Multimount Silencer CAL:9 SN:S1364925
- (61) Gemtech, Q84 Blackside Silencer CAL:45 SN:S1366322
- (62) Silencer Co., V85 Octaine45HD Silencer CAL:45 SN:OCT451246
- (63) Tagonist Custom Gun Works, MOS Unknown Rifle/Shotgun CAL:Unknown
SN:P357023
- (64) Romarm/Cugir M10-762 Rifle CAL:762 SN:MA0251-11RO
- (65) Tagonist Custom Gun Works, T-10 Receiver/Frame CAL:Multi SN:00018
- (66) Sig Sauer (Sig-Arms) P938 Pistol CAL:9 SN:52B337033
- (67) GlockGMBH 21 Pistol CAL:Unknown SN:UTV615
- (68) Tagonist Custom Gun Works, T-15 Receiver/Frame CAL:None SN:01065
- (69) Keltec, CNC Industries, Inc. SU-22 Rifle CAL:22 SN:V1L86
- (70) Polymered Inc. PF94DC Receiver/Frame CAL:None SN:None
- (71) Tagonist Custom Gun Works, TC4 TC-15 Receiver/Frame CAL:Unknown
SN:01067

- (72) CZ (Ceska Zbrojovka) CZ75 D Pistol CAL:9 SN:C322812
- (73) Tagonist Custom Gun Works, TC4 T-15 Machinegun CAL:9 SN:00049
- (74) Aero Precision Inc. X15 Receiver/Frame CAL:Multi SN:X056477
- (75) Tagonist Custom Gun Works, TC4 T-15 Machinegun CAL:Unknown SN:00047
- (76) Tagonist Custom Gun Works, TC4 T-15 Machinegun CAL:Unknown SN:00050
- (77) Rock River Arms, Inc. LAR 15 Receiver/Frame CAL:Multi SN:KT1136511
- (78) Spike's Tactical SOCOM Unknown Silencer CAL:Unknown SN:1/2X28
- (79) Tagonist Custom Gun Works, TC4 VEPR-12 Rifle/Shotgun CAL:12 SN:5836
- (80) Anderson Manufacturing AM-15 Receiver/Frame CAL:Multi SN:17135416
- (81) Polymered, Inc. PF94DC Receiver/Frame CAL:Unknown SN:None
- (82) Zombie Tactical ZT-15, lower Receiver/Frame CAL:Unknown SN:0056
- (83) Tagonist Double Deuce TC4 Silencer CAL:Unkonwn SN:0001
- (84) Tagonist Custom Gun Works TC4 TC-10 Receiver/Frame CAL:Multi SN:01069
- (85) Tagonist Custom Gun Works TC4 T-15 Receiver/Frame CAL:Multi SN:01044
- (86) Tagonist Custom Gun Works TC4 T-15 Receiver/Frame CAL:Multi SN:01001
- (87) Tagonist Custom Gun Works TC4 T-15 Receiver/Frame CAL:Multi SN:01042
- (88) Anderson Manufacturing AM-15 Receiver/Frame CAL:Multi SN:16422990
- (89) 460 Rounds Assorted Ammunition CAL:Multi
- (90) Tagonist Custom Gun Works TC4 T-15 Receiver/Frame CAL:Multi SN:00017
- (91) Unknown Unknown Receiver/Frame CAL:Unknown SN:IH4447
- (92) Tagonist Custom Gun Works TC4 T-15 Receiver/Frame CAL:Multi SN:01045
- (93) Spike's Tactical LLC Warthog Receiver/Frame CAL:Multi SN:WH04840
- (94) Tagonist Custom Gun Works TC4 TAG-15 Receiver/Frame CAL:Multi SN:01071
- (95) Remington Arms Company, Inc. 700 Receiver/Frame CAL:Unknown
SN:RR86572H
- (96) Mossberg Unknown Shotgun CAL:None SN:G907839
- (97) Glock Inc. 21 Pistol CAL:Unknown SN:BDDN012
- (98) Remington Arms Company. Inc. 700 Receiver/Frame CAL:Unknown
SN:RR52878H
- (99) TS Arms Unknown Receiver/Frame CAL:None SN:TSX11862
- (100) Lavoie NFA Trust 3WR-DIOS Silencer CAL:None SN:31630

- (101) Aero Precision Inc. M5 Receiver/Frame CAL:None SN:US12139
- (102) Browning BDM Pistol CAL:9 SN:945NT01419
- (103) Tagonist Custom Gun Works TC4 TC-10 Receiver/Frame CAL:Multi SN:00013
- (104) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01070
- (105) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01068
- (106) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01066
- (107) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01075
- (108) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01074
- (109) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL: None SN:01064
- (110) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01073
- (111) Kriss USA Inc. (Transformational Defense Inc.) Kriss Vector CR Rifle CAL:10
SN:10C002051
- (112) Tagonist Custom Gun Works TAG-15 Receiver/Frame CAL:None SN:01072
- (113) Tagonist Custom Gun Works TAG-9 Receiver/Frame CAL:None SN:G00003
- (114) Tagonist Custom Gun Works TC-10 Receiver/Frame CAL:None SN:00019

2. Pursuant to the terms of the Plea Agreement, Barnett withdrew his claim for the forfeited firearms with the Bureau of Alcohol, Tobacco, Firearms and Explosives. Barnett also agreed that law enforcement will destroy the following firearms, ammunition, and accessories (“seized firearms”) that belong to him and were seized from his residence on or about March 4, 2018:

- (1) Glock 43 9mm handgun
- (2) Connecticut Valley Arms .45 cal revolver
- (3) Replica Arms .44 cal. black powder rifle
- (4) Various magazines and ammunition

3. By virtue of his guilty plea, Barnett forfeits his interest in the above-listed property, and the government should be entitled to possession of said property, pursuant to 21 U.S.C. § 853.

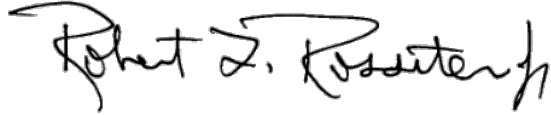
4. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 17) is granted.
2. Based upon the Forfeiture Allegation of the Information and Barnett's guilty plea, the government is hereby authorized to seize the forfeited firearms and seized firearms.
3. Barnett's interest in the forfeited firearms and seized firearms is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The forfeited firearms and seized firearms are to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the forfeited firearms and seized firearms in such manner as the Attorney General may direct, and notice that any person, other than Barnett, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the forfeited firearms and seized firearms, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the forfeited firearms and seized firearms and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the forfeited firearms and seized firearms subject to this Order as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 9th day of November 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge